

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Re: D.I. 225

**CERTIFICATION OF COUNSEL REGARDING STIPULATION RESOLVING THE
MOTION OF SOUTHPOINT PLAZA, L.L.C. AND GKKI, L.L.C. (I) TO COMPEL
DEBTORS TO IMMEDIATELY ASSUME OR REJECT A LEASE OF NON-
RESIDENTIAL REAL PROPERTY; (II) COMPEL PAYMENT OF AN
ADMINISTRATIVE EXPENSE CLAIM UNDER 11 U.S.C. § 503(b); AND (III) COMPEL
DEBTORS TO COMPLY WITH THEIR OBLIGATIONS UNDER 11 U.S.C. § 365(d)(3)**

Counsel to the above captioned debtors and debtors in possession (the “**Debtors**”),
hereby certifies as follows:

1. On September 9, 2024 (the “**Petition Date**”), the Debtors each filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), and related pleadings with the United States Bankruptcy Court for the District of Delaware.

2. On September 19, 2024, Southpoint Plaza, L.C.C. and GKKI, L.C.C., (the “**Landlord**”) filed the *Motion of Southpoint Plaza, L.C.C. and GKKI, L.L.C. (I) To Compel Debtors To Immediately Assume or Reject a Lease of Non-Residential Real Property; (II) Compel Payment of an Administrative Expense Claim Under 11 U.S.C. § 503(b); and (III) Compel Debtors*

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

To Comply with their Obligations Under 11 U.S.C. § 365(d)(3) (D.I. 225) (the “**Motion to Compel**”).

3. To resolve the Motion to Compel, counsel for the Debtors and the Landlord have agreed to a stipulation (the “**Stipulation**”) whereby the Debtors agree to pay rent for the Property for the month of October 2024, vacate and reject the lease of the Property by October 31, 2024, at 11:59 p.m. (prevailing local time), and make reasonable efforts to provide utility services accounts and codes, and physically return the keys to the Landlord by October 31, 2024, at 11:59 p.m. In return, the Landlord shall waive any claim for “stub rent” under 11 U.S.C. § 503(b) and/or 11 U.S.C. § 365(d)(3) for the month of September 2024.²

4. Nothing herein shall constitute a waiver or release of any pre-petition claim the Landlord may have, any claim of the Landlord that may arise should the Debtors fail to vacate the Property on or before October 31, 2024 or any claim of the Landlord for physical damages committed by the Debtors or its agents to the Property, and nothing herein shall act as a waiver of any of the Debtors’ rights, defenses or otherwise related thereto.

5. A copy of the Stipulation is attached **Exhibit 1** to the proposed form of order (the “**Proposed Order**”), attached hereto as **Exhibit A**.

6. Counsel for the Landlord has reviewed the Stipulation and has agreed to entry of the Proposed Order.

WHEREFORE, the Debtors respectfully request entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**.

² Description of the Stipulation is provided for the convenience of the parties and the Court. The Stipulation controls in the event of any conflict.

Dated: October 5, 2024
Wilmington, Delaware

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